DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, Maryland 20892

8 July 2020

Drs. Aleksei Chmura and Peter Daszak
EcoHealth Alliance, Inc.
460 W 34th St
Suite 1701
New York, NY 10001

Re: NIH Grant R01AI110964

Dear Drs. Chmura and Daszak:

In follow-up to my previous letter of April 24, 2020, I am writing to notify you that the National Institute of Allergy and Infectious Diseases (NIAID), an Institute within the National Institutes of Health (NIH), under the Department of Health and Human Services (HHS), has withdrawn its termination of grant R01AI110964, which supports the project *Understanding the Risk of Bat Coronavirus Emergence*. Accordingly, the grant is reinstated.

However, as you are aware, the NIH has received reports that the Wuhan Institute of Virology (WIV), a subrecipient of EcoHealth Alliance under R01AI110964, has been conducting research at its facilities in China that pose serious bio-safety concerns and, as a result, create health and welfare threats to the public in China and other countries, including the United States. Grant award R01AI110964 is subject to biosafety requirements set forth in the NIH Grants Policy Statement (e.g., NIH GPS, Section 4.1.24 "Public Health Security") and the Notice of Award (e.g., requiring that "Research funded under this grant must adhere to the [CDC/NIH Biosafety in Microbiological and Biomedical Laboratories (BMBL)]."). Moreover, NIH grant recipients are expected to provide safe working conditions for their employees and foster work environments conducive to high-quality research. NIH GPS, Section 4. The terms and conditions of the grant award flow down to subawards to subrecipients. 45 C.F.R. § 75.101.

As the grantee, EcoHealth Alliance was required to "monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward . . ." 45 C.F.R. § 75.352(d). We have concerns that WIV has not satisfied safety requirements under the award, and that EcoHealth Alliance has not satisfied its obligations to monitor the activities of its subrecipient to ensure compliance.

Moreover, as we have informed you through prior Notices of Award, this award is subject to the Transparency Act subaward and executive compensation reporting requirement of 2 C.F.R. Part

170. To date you have not reported any subawards in the Federal Subaward Reporting System.

Therefore, effective the date of this letter, July 8, 2020, NIH is suspending all activities related to R01AI110964, until such time as these concerns have been addressed to NIH's satisfaction. This suspension is taken in accordance with 45 C.F.R. § 75.371, Remedies for Noncompliance, which permits suspension of award activities in cases of non-compliance, and the NIH GPS, Section 8.5.2, which permits NIH to take immediate action to suspend a grant when necessary to protect the public health and welfare. This action is not appealable in accordance with 42 C.F.R. § 50.404 and the NIH GPS Section 8.7, Grant Appeals Procedures. However, EcoHealth Alliance has the opportunity to provide information and documentation demonstrating that WIV and EcoHealth Alliance have satisfied the above-mentioned requirements.

Specifically, to address the NIH's concerns, EcoHealth must provide the NIH with the following information and materials, which must be complete and accurate:

1. Provide an aliquot of the actual SARS-CoV-2 virus that WIV used to determine the viral sequence.
2. Explain the apparent disappearance of Huang Yanling, a scientist / technician who worked in the WIV lab but whose lab web presence has been deleted.
3. Provide the NIH with WIV's responses to the 2018 U.S. Department of State cables regarding safety concerns.
4. Disclose and explain out-of-ordinary restrictions on laboratory facilities, as suggested, for example, by diminished cell-phone traffic in October 2019, and the evidence that there may have been roadblocks surrounding the facility from October 14-19, 2019.
5. Explain why WIV failed to note that the RaTG13 virus, the bat-derived coronavirus in its collection with the greatest similarity to SARS-CoV-2, was actually isolated from an abandoned mine where three men died in 2012 with an illness remarkably similar to COVID-19, and explain why this was not followed up.
6. Additionally, EcoHealth Alliance must arrange for WIV to submit to an outside inspection team charged to review the lab facilities and lab records, with specific attention to addressing the question of whether WIV staff had SARS-CoV-2 in their possession prior to December 2019. The inspection team should be granted full access to review the processes and safety of procedures of all of the WIV field work (including but not limited to collection of animals and biospecimens in caves, abandoned man-made underground cavities, or outdoor sites). The inspection team could be organized by NIAID, or, if preferred, by the U.S. National Academy of Sciences.
7. Lastly, EcoHealth Alliance must ensure that all of its subawards are fully reported in the Federal Subaward Reporting System

During this period of suspension, NIH will continue to review the activities under this award, taking into consideration information provided by EcoHealth Alliance, to further asses compliance by EcoHealth Alliance and WIV, including compliance with other terms and conditions of award that may be implicated. Additionally, during the period of suspension, EcoHealth Alliance may not allow research under this project to be conducted. Further, no funds from grant R01AI110964 may be provided to or expended by EcoHealth Alliance or any subrecipients; all such charges are unallowable. It is EcoHealth Alliance's responsibility as the

recipient of this grant award to ensure that the terms of this suspension are communicated to and understood by all subrecipients. EcoHealth Alliance must provide adequate oversight to ensure compliance with the terms of the suspension. Any noncompliance of the terms of this suspension must be immediately reported to NIH. Once the original award is reinstated, NIH will take additional steps to restrict all funding in the HHS Payment Management System in the amount of $369,819. EcoHealth Alliance will receive a revised Notice of Award from NIAID indicating the suspension of these research activities and funding restrictions as a specific condition of award.

Please note that this action does not preclude NIH from taking additional corrective or enforcement actions pursuant to 45 CFR Part 75, including, but not limited to, terminating the grant award. NIH may also take other remedies that may be legally available if NIH discovers other violations of terms and conditions of award on the part of EcoHealth Alliance or WIV.

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Sincerely,

Michael S. Lauer -S Digitally signed by Michael S. Lauer -S
Date: 2020.07.08 21:43:41 -04'00'

Michael S Lauer, MD
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cc: Dr. Erik Stemmy
Ms. Emily Linde